

There are no further amendments to section 12.

The next section is section 13.

Delegate Scanlan, do you desire to offer your amendment?

DELEGATE SCANLAN: Yes, I do.

THE CHAIRMAN: The pages will please distribute Amendment U.

This will be Amendment 20. The Clerk will read the amendment.

READING CLERK: Amendment No. 20 to Committee Recommendation R&P-2, by Delegate Scanlan:

"On page 4, section 13, Imprisonment for Debt strike out all of lines 10 through 19, inclusive.

THE CHAIRMAN: The amendment is submitted by Delegate Scanlan. Is there a second?

Delegate Bennett. Second.

THE CHAIRMAN: The amendment is seconded by Delegate Bennett.

The Chair recognizes Delegate Scanlan to speak to the amendment.

DELEGATE SCANLAN: I would like to yield to the Chairman of the Committee, who has a statement to make with respect to the amendment.

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman, I do not know that there is strictly a conflict here, but there is a serious problem with respect to the technical language of this section. It is taken verbatim from the present Constitution, and there is some question as to what needs to be done to retain the effects of it without cluttering up the constitution.

I would just like to read very briefly from a letter from John W. Ester, Professor of Law, University of Maryland, who at our special request considered this.

He said: "Based on a long line of Maryland cases with which I am sure you are familiar, the Court of Appeals has taken the position that in the absence of legislation so providing, a man cannot be imprisoned for failure to comply with a court decree for alimony or child support. Therefore, it is desirable to continue this method of enforcing such decrees; and most attorneys feel that it is and would be necessary to have

a statute or constitutional provision to that effect.

"However, I see absolutely no reason for this topic to be covered in the new constitution if it can be covered by legislation, thereby avoiding the unnecessary cluttering of the constitution.

"I would suggest, sir, this could be handled by transitory provisions and would adequately protect the present situation; and that we hold anything on this on the basis that it is properly and can be properly covered in the transitory section."

THE CHAIRMAN: I am lost. Hold what?

DELEGATE KIEFER: This section.

I think we would be willing to delete it if the protections afforded in it can be adequately covered in a transitory provision.

THE CHAIRMAN: We cannot conclude consideration of R&P-2 by holding the amendment. Can we not act on the amendment, and if it is deleted, you can still take care of the situation in the transitional provision schedule?

DELEGATE KIEFER: I think we can do that, if we can be assured that we can cover it in the transitory provisions, yes.

THE CHAIRMAN: I would assume if you run into a situation where you feel you cannot, that your committee could make a supplemental report of the new committee recommendation. I am sure the Convention would allow you to file it, even though it is after Amendment No. 17.

DELEGATE KIEFER: On that basis, we will not object to the amendment.

THE CHAIRMAN: Is it necessary to discuss the amendment?

DELEGATE SCANLAN: I am happy to see the white flag. I will not press the amendment.

THE CHAIRMAN: Delegate Macdonald.

DELEGATE MACDONALD: I would like to ask the sponsor of the amendment a question.

THE CHAIRMAN: Delegate Scanlan, do you yield to a question?

DELEGATE SCANLAN: I do.

THE CHAIRMAN: Delegate Macdonald.

DELEGATE MACDONALD: Delegate Scanlan, was it true that it was necessary